

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	07-00008-01-CR-W-DW
CARL BUSSEY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on December 20, 2007. Defendant Carl Bussey appeared in person and with retained counsel Patrick Peters. The United States of America appeared by Assistant United States Attorney Matt Whitworth, substituting for Assistant United States Attorney Linda Marshall.

I. BACKGROUND

On January 5, 2007, an indictment was returned charging defendant with one count of making a material false statement, in violation of 18 U.S.C. § 1001; and with three counts of perjury, in violation of 18 U.S.C. § 1621.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Whitworth announced that HE AND Linda Marshall will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Walter "Bob" Schafer, FBI.

Mr. Peters announced that he will be the trial counsel for defendant Carl Bussey. Shelley Peters will assist.

III. OUTSTANDING MOTIONS

There are currently pending for ruling by the district judge the following motions:

- (1) Motion in limine, filed by defendant on November 18, 2007 (doc. #32).
- (2) Motion to dismiss counts 2 and 3, filed by defendant on November 18, 2007 (doc. #33); Report and Recommendation filed on December 10, 2007 (doc. #62).
- (3) Motion to dismiss count 1, filed by defendant on November 18, 2007 (doc. #35); Report and Recommendation filed on December 6, 2007 (doc. #59).
- (4) Motion to dismiss indictment or to show cause for contempt, filed by defendant on November 19, 2007 (doc. #36); Report and Recommendation filed on December 15, 2007 (doc. #70).
- (5) Motion to dismiss count 4, filed by defendant on November 19, 2007 (doc. #37), Report and Recommendation filed on December 10, 2007 (doc. #63).

IV. TRIAL WITNESSES

Mr. Whitworth announced that the government intends to call 25 witnesses without stipulations or 23 witnesses with stipulations during the trial.

Mr. Peters announced that defendant Carl Bussey intends to call 4 - 5 witnesses during the trial. The defendant will testify.

V. TRIAL EXHIBITS

Mr. Whitworth announced that the government will offer approximately 50 exhibits in evidence during the trial.

Mr. Peters announced that defendant Carl Bussey will offer no exhibits not listed by the government.

VI. DEFENSES

Mr. Peters announced that defendant Carl Bussey will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Peters stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to factual matters that are uncontroverted.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3 - 4 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed February 8, 2007, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by December 20, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, January 2, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, January 2, 2008. Counsel are requested to provide proposed jury instructions in

both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No additional motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on January 7, 2008. **A continuance of this case to the second week of the trial docket was granted on November 30, 2007. This case should be set to commence on January 14, 2008.**

It would be helpful to the parties to get a ruling on the pending motion in limine because it will affect the length of the trial and the schedules of the subpoenaed lawyers.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
December 20, 2007

cc: The Honorable Dean Whipple
Ms. Linda Marshall
Mr. Patrick Peters
Mr. Jeff Burkholder